

1 Michael A. Brodsky
Law Offices of Michael A. Brodsky
2 201 Esplanade, Upper Suite
Capitola, CA 95010
3 Telephone: (831) 469-3514
4 Facsimile: (831) 471-9705
Email: michael@brodskylaw.net
5 SBN 219073

6 Attorney for Protestants Save the California Delta Alliance, et al.

7 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9 **IN RE CALIFORNIA WATERFIX**
10 **CALIFORNIA DEPARTMENT OF**
11 **WATER RESOURCES AND U.S.**
12 **BUREAU OF RECLAMATION**
13 **PETITION FOR CHANGES IN**
14 **WATER RIGHTS, POINTS OF**
15 **DIVERSION/RE-DIVERSION**

PROTESTANT SAVE THE CALIFORNIA
DELTA ALLIANCE, ET AL.'s OBJECTIONS
TO EVIDENCE AND JOINDER IN
OBJECTIONS TO EVIDENCE SUBMITTED
BY THE SACRAMENTO VALLEY WATER
USERS, LOCAL AGENCIES OF THE NORTH
DELTA ET AL., CENTRAL DELTA WATER
AGENCY ET AL., COUNTY OF SAN
JOAQUIN ET AL., PACIFIC COAST
FEDERATION OF FISHERMEN'S
ASSOCIATIONS AND INSTITUTE FOR
FISHERIES RESOURCES ET AL., CITY OF
ANTIOCH, CONTRA COSTA COUNTY AND
CONTRA COSTA WATER AGENCY,
COUNTY OF SOLANO, AND NATURAL
RESOURCES DEFENSE COUNCIL ET AL.

1 **OBJECTIONS TO EVIDENCE**

2 In accordance with the Board’s ruling dated June 10, 2016, titled Deadline Extension
3 Requests, Policy Statements, Format of Petitioners’ Cases-In-Chief, Parties’ Participation, and
4 Other Procedural Matters (“June 10, 2016, Ruling”), Protestants Save the California Delta Alliance,
5 et al. hereby submit objections to evidence that would exclude a witnesses’ testimony in whole or in
6 part or that would exclude the admission of an exhibit.¹

7 **I. Standard For Excluding Scientific Exhibits, Scientific Testimony, And Testimony That**
8 **Relies On Scientific Exhibits Or Materials.**

9 In general, administrative proceedings, including the Board’s adjudicative proceedings
10 concerning water rights, are conducted under evidentiary rules less stringent than those applied by
11 California courts pursuant to the California Evidence Code. (See Govt. Code § 11513; 23 CCR §
12 648.5.1.) However, these relaxed standards do not apply to evidence of scientific nature in
13 adjudicative water rights proceedings.

14 The Board has applied, by regulation, Evidence Code sections 801–805 to its water rights
15 adjudication proceedings. (23 CCR § 648(b).) With regard to scientific evidence, and expert
16 testimony based thereon, the California Supreme Court has required that the admissibility of
17 methods of scientific proof is tested by the Supreme Court’s “Kelly” Rule as a part of the
18 foundational requirement of Evidence Code section 802.

19 The *Kelly* Rule (sometimes referred to as the *Kelly-Frye* rule) requires that expert testimony
20 “deduced from novel scientific principles” may be admitted only if “the proponent of the evidence
21 makes “a preliminary showing of *general acceptance* of the new technique in the *relevant scientific*
22 *community.*” (California Practice Guide—Civil Trials and Evidence (Rutter 2016) § 8:565 [quoting

23
24 _____
25 ¹ The June 10 Ruling states that “objections that go to the weight that should be afforded petitioners’ testimony or
26 exhibits, but not their admissibility, may be made after the July 12” deadline. This implies that objections that would
27 exclude an exhibit in whole or in part should be made by the July 12 deadline, although this is not entirely clear in the
28 context of the entire June 10 Ruling. The Notice of Petition dated October 30, 2015, states at page 35 that the “hearing
officers will decide whether to accept the party’s exhibits into evidence upon a motion of the party after completion of
the case-in-chief.” The case-in-chief includes cross examination. (*Id.*) Delta Alliance interprets this to mean that if an
objection made pursuant to the July 12 deadline is not sustained, then that objection may be renewed at the close of
Petitioners’ case-in-chief based on additional information gleaned from direct testimony and cross-examination
presented during Petitioners’ case-in-chief.

1 *People v. Kelly* (1976) 17 Cal 3d 24, 30-31.] “The ‘*Kelly-Frye* rule’ requires trial courts to exclude
2 expert opinion evidence based on scientific techniques, methods or devices that are *not generally*
3 *accepted as reliable* in the relevant scientific community.” (California Practice Guide:
4 Administrative Law (Rutter 2016) §9:101.)

5 In addition to the Board’s adoption of the *Kelly* Rule through its application of evidence
6 code sections 801–805 to water rights adjudications, the *Kelly* Rule applies independently through
7 case law to California administrative agencies’ admission of scientific evidence (whether or not the
8 agency has adopted relevant portions of the Evidence Code through regulations) and the Board may
9 not waive the rule:

10
11 The Department also contends that *Kelly-Frye* should not apply in an administrative
12 proceeding to revoke a license because less strict rules of evidence apply in such
13 proceedings. While it is true that an administrative hearing “need not be conducted
14 according to technical rules relating to evidence and witnesses” and that hearsay is
admissible in such a hearing (see Gov. Code § 11513, subd. (c)), we conclude that
the purpose of the *Kelly-Frye* Rule will be served by applying it in this context. . . .
Consequently, we reject the contention that the *Kelly-Frye* rule should not apply in a
proceeding such as this.

15 (*Seering v. Dept. of Soc. Serv’s* (1987) 194 Cal. App. 3d 298, 310; *see also In re Amber B* (1987)
16 191 Cal. App. 3d 682 [applying *Kelly* Rule to administrative agency]; *In re Christine C.* (1987)
17 [applying *Kelly* Rule to administrative agency].)²

18 Courts sometimes continue to refer to the *Kelly* Rule as *Kelly-Frye* (as above in *Seering*),
19 however the demise of the *Frye* portion is instructive on the high bar that the *Kelly* rule imposes on
20 scientific evidence and testimony in proceedings before California courts and administrative
21 agencies:

22 Federal courts once followed a similar rule. [See *Frye v. United States* (1923) 293 F
23 1013, 1014—admissibility of scientific evidence limited to scientific principles
24 generally accepted in particular field] However, the Supreme Court has rejected the
25 “*Frye* test,” on the theory it is at odds with the “liberal thrust” of the Federal Rules of
26 Evidence Under the Federal Rules of Evidence, expert opinion testimony is
admissible if it is based on scientific, technical, or other specialized knowledge that
will “assist the trier of fact to understand the evidence or to determine a fact in
issue.”

27
28 ² Thus, the Board may not waive the *Kelly* Rule pursuant to 23 CCR § 648(d), which permits the hearing officers to
waive Board regulations concerning evidence so long as the evidentiary rule is only applicable through the Board’s own
regulations.

1 (California Practice Guide—Civil Trials and Evidence § 8:565.1 [quoting F.R.E. 702].)

2 The California Supreme Court continues to adhere to the strict *Kelly* rule, parting ways with
3 the federal courts’ abandonment of *Frye* in favor of the more liberal Federal Rules of Evidence:

4 In *People v. Leahy* (1994) 8 Cal. 4th 587, 604, ... this court held that the “general
5 acceptance” test for admissibility of expert testimony based on new scientific
6 techniques (see *People v. Kelly* (1976) 17 Cal. 3d 24 ...) still applies in California
courts despite the United States Supreme Court’s rejection Nothing we say in
this case affects our holding in *Leahy* regarding new scientific techniques.

7 (*Saragon Enterprises, Inc., v. University of Southern California* (2012) 55 Cal. 4th 747, 772, n. 6.)

8 The Board therefore may not admit testimony or exhibits based on scientific, technical, or
9 other specialized knowledge that will assist the trier of fact to understand the evidence or to
10 determine a fact in issue, unless the evidence also meets the requirement of general acceptance in
11 the relevant scientific community.

12 **II. Objections To Specific Exhibits And Testimony.**

13 **A. SWRCB-3**

14 Delta Alliance objects in whole to the introduction of the 2015 Public Draft Bay Delta
15 Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact
16 Report/Supplemental Draft Environmental Impact Statement (“RDEIR/SDEIS”). Delta Alliance
17 objects to all testimony referring to or based upon the RDEIR/SDEIS.

18 The relevant scientific community has expressly found this document unreliable and
19 unacceptable. The REDER/SDEIS is relied upon by Petitioners to establish scientific facts with
20 regard to water quality, effects on Delta flows, environmental impacts, and other scientific
21 information. Petitioners rely on this document to purport that there is no injury to legal users of
22 water and to show that the proposed change in water rights will not injure the public interest or the
23 environment.

24 The United States Environmental Protection Agency (“USEPA”) is charged with reviewing
25 the reliability and adequacy of Environmental Impact Statements for federal projects. (*See* section
26 309 of the federal Clean Air Act³ and 40 CFR Parts 1500–1508.) The USEPA reviewed the

27
28 _____
³ Although codified as part of the Clean Air Act the review authority extends to all impacts and projects.

1 RDEIR/SDEIS and found that “a rating of ‘3’ (*Inadequate*) for the SDEIS is required” due to the
2 inability of the RDEIR/SDEIS to adequately describe the impacts of the project. (Letter from Jared
3 Blumenfeld, Regional Director USEPA Region 9 to David Murilo, Regional Director Bureau of
4 Reclamation Mid-Pacific Region, October 30, 2015, p.4.) (“October 30 EPA Letter”.) (Exhibit A to
5 Delta Alliance’s accompanying request for official notice)⁴

6 USEPA reviewed a prior 2013 draft of the RDEIR/SDEIS and found that with regard to its
7 purported effects determinations the Draft EIS “does not describe the decision rules that were used
8 to make those determinations from the analytical information presented for each impact category”
9 and it is not “clear why some estimated impacts result in one *NEPA Effects Determination* over
10 another” and that the Draft EIS does not “explain whether all metrics are considered equal in the
11 analysis or some are weighted” and there are no “summary tables for each impact category so that
12 the public and decision-makers can understand the metrics and there results and how they compare
13 among alternatives.” (Letter from Jared Blumenfeld, Regional Director USEPA Region 9 to Will
14 Stelle, Regional Administrator West Coast Region National Marine Fisheries Service, August 26,
15 2014.) (“August 26, 2014 EPA Letter.”) (Exhibit B to Delta Alliance’s accompanying request for
16 official notice)⁵ These deficiencies were not corrected, resulting in a failing grade for the 2015
17 RDEIR/SDEIS that is now relied upon by Petitioners.

18 The ten-member Delta Independent Science Board (“ISB”) is charged by statute to be
19 composed of “internationally prominent scientists with appropriate expertise to evaluate the broad
20 range of scientific programs that support adaptive management of the Delta.” (Water Code
21 §85280(a)(2).) The statutory purpose of the ISB is to “provide the best possible unbiased scientific
22
23

24 ⁴ The October 30, 2015 EPA letter is a comment on the 2015 RDEIR/SDEIS. Petitioners have sought to introduce as
25 SWRCB-3 the 2015 RDEIR/SDEIS “and comments.” The letter is properly a part of the administrative record, however
26 for official notice.

27 ⁵ The August 26, 2014 EPA letter is a comment on the 2013 RDEIR/SDEIS. Petitioners have sought to introduce as
28 SWRCB-3 the 2015 RDEIR/SDEIS “and comments,” as well as the 2013 Public Draft EIR/EIS (SWRCB-4). The
August 26, 2014 EPA letter, in addition to being submitted as a comment, was attached to comments on the 2013 Public
Draft EIR submitted by Save the California Delta Alliance. It is properly a part of the administrative record. However,
in an abundance of caution Delta Alliance is including this document along with the others cited in this brief in a request
for official notice.

1 information to inform water and environmental decisionmaking in the Delta.” (Water Code §
2 85280(b)(4).)

3 The ISB reviewed the 2015 RDEIR/SDEIS. (*See* Review by the Delta Independent Science
4 Board of the Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft
5 Environmental Impact Report/Supplemental Draft Environmental Impact Statement, September 30,
6 2015.) (“ISB SDEIS Review.”) (Exhibit C to Delta Alliance’s accompanying request for official
7 notice.)⁶

8 The ISB found that the RDEIR/SDEIS suffers from:

9 overall incompleteness through deferral of content to the Final EIR/EIS (herein, “the
10 Final Report”); specific incompleteness in treatment of adaptive management,
11 habitat restoration, levees, and long-term effects; and inadequacies in presentation.

11 ***

12 The Current Draft lacks key information, analysis, summaries, and comparisons. The
13 missing content is needed for evaluation of the science that underpins the proposed
14 project. Accordingly, the Current Draft fails to adequately inform weighty decisions
15 about public policy.

16 (ISB SDEIS Review 4.) Despite sustained outcry from the public and peer reviewers, the SDEIS
17 still fails to comprehensibly compare the expected results of various courses of action:

18 For over three years, the Delta ISB has been specifically requesting summaries and
19 comparisons: first in June 2012, then in June 2013, and again in a review of the
20 Previous Draft in May 2014 (footnote 1, p.1). Appallingly, such summaries and
21 comparisons remain absent in the Current Draft. ... Three years is more than enough
22 time to have developed them.

23 (*Id.* at 9.)

24 With respect to the SDEIS’s omission of a comprehensible alternatives analysis:

25 The Previous Draft contained few examples of concise text and supporting graphics
26 that compare alternatives and evaluate critical underlying assumptions. Rudimentary
27 comparisons of alternatives were almost entirely absent. The Current Draft retains
28 this fundamental inadequacy.

(*Id.* at 4.) No peer reviewer has found the environmental documents to be adequate. The missing
content is “critical to comprehending what is being proposed and its potential impacts.” (*Id.* at 10.)

⁶ The ISB SDEIS review was attached to comments submitted by Delta Alliance on the 2015 RDEIR/SDEIS and is properly a part of the administrative record, but is included in the accompanying request for official notice.

1 As a matter of law the RDEIR/SDEIS must be rejected until it is redrafted to correct its
2 pervasive inadequacies. “If a draft statement is so inadequate as to preclude meaningful analysis,
3 the agency *shall* prepare and circulate a revised draft of the appropriate portion.” (40 C.F.R. §
4 1502.9, emphasis added; *see also Kettle Range Conservation Group v. United State Forest Serv.*,
5 (E.D. Wash. 2001) 148 F.Supp.2d 1107, 1120 [“a draft EIS *must* be redrafted and reissued when it
6 is so inadequate that it precludes meaningful analysis,” emphasis added].) Awaiting preparation of
7 the Final EIS is not a lawful option because “[t]hat will be far too late in the EIR/EIS process for
8 content so critical to comprehending what is being proposed and its potential impacts.” (ISB SDEIS
9 Review 10.)⁷

10 The modeling, and modeling assumptions, used to support the purported conclusions of the
11 RDEIR/SDEIS represents a novel scientific technique that has failed to gain acceptance in the
12 relevant scientific community. A science peer review of the BDCP modeling explained the untested
13 new approach to modeling Delta effects used by the RDEIR/SDEIS:

14 The basis for the BDCP analysis is hydrologic simulation modeling that provides
15 flow, water elevations, temperature and salinity at various locations throughout the
16 Delta and its upstream areas. Much of the Effects Analysis for aquatic species and all
17 of the export projections are based on outputs from these hydrologic models. BDCP
18 is one of the most complex modeling efforts of its kind and certainly the most
19 complex ever attempted in the Delta.

20 ***

21 To adapt existing tools to model future conditions under BDCP consultants
22 developed dispersion coefficients with the 3-dimensional UnTRIM model developed
23 by Michael MacWilliams for sea level rise. A similar process was then followed with
24 a 2-dimensional model developed by Research Management Associates to estimate
25 the additional dispersion for the proposed new open tidal areas. Parameters
26 developed from the multi-dimensional efforts were then incorporated into the 1-
27 dimensional DSM2 planning model developed by DWR to simulate a part of the
28 long-term record incorporating sea level rise and tidally restored acreage. The
boundary conditions for the DSM2 model, which operates at time steps as short as 15
minutes, was provided by CALSIM, the 1-dimensional system-wide water operations
optimization model. CALSIM output occurs on monthly time steps and had to be
disaggregated to provide boundary conditions for DSM2. All the results, were then
used to train the CALSIM model. The CALSIM model was then used to simulate the
entire 82-year record that formed the basis for the Effects Analysis. All of these
model exchanges, particularly between 1-, 2-, and 3-dimensional models, create error

⁷ The Board has repeatedly rejected objections to the RDEIR/SDEIS on grounds that it is not the Board’s responsibility to try Protestants’ CEQA case. It is important to understand that these objections go to the admissibility of the RDEIR/SDEIS as a scientific document. NEPA law requiring re-drafting of environmental documents before they may be relied on is relevant to showing the inadequacy of the RDEIR/SDEIS as a scientific document.

1 or model bias. To date, there is no assessment of these model biases and how they
2 impact BDCP results.

3 (Saracino and Mount, et al., Panel Review of the Draft Bay Delta Conservation Plan, September
4 2013, p.12.) (“Mount Report”). (Exhibit D to Delta Alliance’s accompanying request for official
5 notice.)⁸ This is a new, untested technique for modeling Delta conditions.

6 Because of the untested nature of the modeling and compounded uncertainties, the panel
7 concluded that “we remain concerned that the model output is unrealistic for projecting actual
8 project operations and the resultant flows.” Therefore, “conclusions drawn on the basis of these
9 models rest on an unreliable foundation.” (*Id.* at 47.)

10 As the Board is aware, absolute scientific certainty is not required to make decisions.
11 However, there are standards for treating uncertainty and standards for acceptable levels of
12 uncertainty within the relevant scientific community. The relevant scientific community has
13 rejected the RDEIR/SDEIS’s treatment of uncertainty:

14 In the Current Draft [2015 RDEIR/SDEIS], uncertainties and their consequences
15 remain inadequately addressed, improvements [from 2013 Draft] notwithstanding.
16 Uncertainties will now be dealt with by establishing ‘a robust program of
17 collaborative science, monitoring, and adaptive management’ (ES 4.2). No details
18 about this program are provided, so there is no way to assess how (or whether)
19 uncertainties will be dealt with effectively. Although sensitivity modeling was used
20 to address the effects of changes in the footprint and other minor changes of the
21 revised project, full model runs were not carried out to assess the overall effects of
22 the specific changes. Consequently, modeling that would help to bracket ranges of
23 uncertainties or (more importantly) assess propagation of uncertainties is still
inadequate.⁹

(ISB SDEIS Review, p. 11.)

21 Because of the failed modeling, and inadequate treatment of uncertainty, the RDEIR/SDEIS
22 relies on adaptive management to “consider and address scientific uncertainty regarding the Delta

24 ⁸ The Mount Report is attached to the July 29, 2014 comments of Save the California Delta Alliance on the 2013 Draft
EIR/S, which are part of the administrative record as comments included in SWRCB-3. For completeness, Delta
Alliance is including this document in its request for official notice.

25 ⁹ Delta Alliance is aware that subsequent additional modeling has been done in connection with the WaterFix Draft
26 Biological Assessment (“Draft BA”) and has been provided to the Board and Protestants. However, the Draft BA
27 modeling used the 2015 version of CALSIM while the modeling for the RDEIR/SDEIS was done with the 2010
28 CALSIM version. The RDEIR/SDEIS modeling was calibrated with 16 years of historical data while the 2015 version
was calibrated with 82 years of historical data. (*See* DWR’s Written Response to March 4 Requirement to Address
Information Requests from California Water Research and Sacramento Valley Water Users, March 11, 2016.) (Exhibit
E to Delta Alliance’s accompanying request for official notice.) This subsequent modeling is incongruent with the
RDEIR/SDEIS and does not relate back to or cure the defects in the RDEIR/SDEIS.

1 ecosystem and to inform implementation of the operational criteria” (SWRCB-3, p.4.1-6.)
2 However, the treatment of adaptive management in the RDEIR/SDEIS has been roundly rejected by
3 the relevant scientific community.

4 At bottom, all of the RDEIR/SDEIS assumptions about environmental impacts depend on
5 effective adaptive management. However, WaterFix’s adaptive management is largely a repetition
6 of slogans about what adaptive management should be. Despite sustained outcry from the scientific
7 community and the public about the chimerical treatment of adaptive management, the documents
8 remain an exercise in specious deflection of calls for a real adaptive management program. As the
9 ISB put it, “We are not looking here for a primer on adaptive management.” (ISB SDEIS Review, p.
10 5.) The RDEIR/SDEIS’s “missing content includes: 1. Details about the adaptive-management
11 process, collaborative science, monitoring, and the resources that these efforts will require.” (*Id.* at
12 1.) Further:

13
14 The lack of a substantive treatment of adaptive management in the Current Draft
15 indicates that it is not considered a high priority or the proposers have been unable to
16 develop a substantive idea of how adaptive management would work for the project.

17 (*Id.* at 5.)

18 The Petitioners’ suggestion in the RDEIR/SDEIS (and elsewhere) that existing Delta
19 collaborative management programs will remain in place and be purposed to fulfill the need for
20 adaptive management for WaterFix has been rejected:

21 [The RDEIR/SDEIS states that] collaborative science and adaptive management
22 under California WaterFix would be linked with the Delta Collaborative Science and
23 Adaptive Management Program (CSAMP) and the Collaborative Adaptive
24 Management Team (CAMT). These efforts, however, have taken place in the context
25 of regulations and permits We did not find examples of how adaptive
26 management would be applied to assessing—and finding ways to reduce—the
27 environmental impacts of project construction and operations.

28 (*Id.*)

29 These objections go to the admissibility of the RDEIR/SDEIS, not the weight to be accorded
30 (although it is certainly unpersuasive). The relevant scientific community has rejected virtually
31 every aspect of the scientific underpinnings of the RDEIR/SDEIS. Under the *Kelly* standard it is not

1 admissible and should be excluded in its entirety from evidence. All testimony referencing or
2 relying on the RDEIR/SDEIS should be stricken.

3 **B. SWRCB-4 And SWRCB-5**

4 All of the above objections apply equally to the 2013 Public Draft Environmental Impact
5 Report/Environmental Impact Statement Bay Delta Conservation Plan and the 2013 Public Draft
6 Bay Delta Conservation Plan.

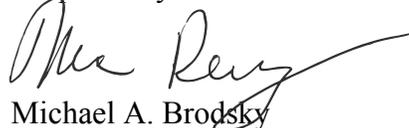
7 **C. CALSIM II 2015 Version Modeling**

8 Delta Alliance joins in full with the objections of other protestants to all evidence based
9 upon modeling done with the 2015 CALSIM version, including the Draft BA. The *Kelly* rule
10 applies to all objections to the 2015 CALSIM modeling. All of the objections stated above apply to
11 the 2015 CALSIM modeling, as well as the fact that the 2015 CALSIM version was never
12 validated.

13 **C. JOINDER**

14 Save the California Delta Alliance, et al. hereby join and incorporate in full by reference the
15 objections raised by the Sacramento Valley Water Users, Local Agencies of the North Delta et al.,
16 Central Delta Water Agency, et al., County of San Joaquin, et al., Pacific Coast Federation of
17 Fishermen's Associations and Institute for Fisheries Resources, et al, City of Antioch, Contra Costa
18 County and Contra Costa Water Agency, County of Solano, and Natural Resources Defense
19 Council, et al.

20
21
22 Respectfully Submitted

23 

24 Michael A. Brodsky
25 Attorney for Protestants
26 Save the California Delta Alliance, et al.
27 Dated: July 12, 2016
28

STATEMENT OF SERVICE

CALIFORNIA WATERFIX PETITION HEARING Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s OBJECTIONS TO EVIDENCE AND JOINDER IN OBJECTIONS TO EVIDENCE SUBMITTED BY THE SACRAMENTO VALLEY WATER USERS, LOCAL AGENCIES OF THE NORTH DELTA ET AL., CENTRAL DELTA WATER AGENCY ET AL., COUNTY OF SAN JOAQUIN ET AL., PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS AND INSTITUTE FOR FISHERIES RESOURCES ET AL., CITY OF ANTIOCH, CONTRA COSTA COUNTY AND CONTRA COSTA WATER AGENCY, COUNTY OF SOLANO, AND NATURAL RESOURCES DEFENSE COUNCIL ET AL.

PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE, ET AL.'s REQUEST FOR OFFICIAL NOTICE IN SUPPORT OF OBJECTIONS TO EVIDENCE

to be served by **Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated July 11, 2016, posted by the State Water Resources Control Board at
http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml

I certify that the foregoing is true and correct and that this document was executed on July 12, 2016.

Signature: 
Name: Michael A. Brodsky
Title: Attorney

Party/Affiliation:
Save the California Delta Alliance, et al.

Address:
Law Offices of Michael A. Brodsky
201 Esplanade, Upper Suite
Capitola, CA 95010